IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 462 of 2001

Between:

K.Siva Krishna Rao, S/o. K.P.Rao,
Q.No.8 , Professer Quarters,Prakashnagar ,S.V.University,
Tirupathi, Chittoor District.

..... PETITIONER

AND

1 The Chief Conservator of Forest,(Wildlife), Rep.by State of A.P.
Hyderabad.
2 Director /Curator, rep.by S.V.Zoological Park,
Tirupathi , Chittoor District.
3 Central "Zoo" Authority, Rep.by it's Chair Person,
New Delhi.
4 Director General of Police, C.B.C.I.D.Cell ,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ ,order or direction in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 3 in not taking proper care of animals and protected animals in S.V.Zoological Park,Tirupathi as contrary to law and amounting to gross negligence on their part and legitimate duties is illegal, arbitrary and against the violation of natural justice and consequently direct the respondents to submit their reports before this Hon'ble Court and basing on that to direct the respondents to take all necessary actions and precautions to prevent such type of tragic/Barbaric incidents in S,V,Zoological park Tirupathi or any other "Zoo" in A.P. and pass such

other order or orders or direction as this Hon'ble Court deems fit and proper.

Counsel for the Petitioner:MR.K. MAHESWARA RAO

Counsel for the Respondent No.1 to 3: GP FOR FORESTS

Counsel for the Respondent No.4: Smt. P. Balarani

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner studied Engineering Course at Tiruchy. During New Year and Pongal holidays, he happened to visit S.V. Zoological Park, Tirupathi and has now filed this petition as 'Public Interest Litigation' highlighting some tragic and shocking news of killing of 15 deers in S.V. Zoological Park, Tirupathi. The said information as contained in the petitioner's affidavit is based upon various newspaper reports and is posing several question marks on the upkeep and maintenance of the S.V. Zoological Park, Tirupathi. Consequently, he sought direction against the 2nd respondent to furnish details of the animals and their description and to direct the 4th respondent to enquire and investigate into the said incidents.

Sri E. Narasimhulu who is working as Curator of S.V. Zoological Park filed a detailed counter affidavit stating that a large scale afforestation programme was undertaken by the Tirumala Tirupathi Devasthanam on Triumala Hills, Tirumala Foot Hills and on all the vacant lands of the educational institutions in Tirupathi for the last two decades. The forest area of Tirumala was declared by the Government of Andhra Pradesh as Sri Venkateswara Wildlife Sanctuary in order to give special protection to the flora and fauna of sacred hills. Further details had been furnished by the Curator as regards the attacks on Chitals, Sambars, Blackbucks and Chowsinghas by free ranging panthers and also reported that casualties were also noticed. Details leading to the incident in question have also been furnished.

Since action is being sought to be taken by the 3rd respondent, we do not want to go into further details on the information as has been filed by the 2nd respondent, but would like to refer to the affidavit in reply filed by the 3rd respondent, which is the Central Zoo Authority. The 3rd respondent in his affidavit has stated that all Zoos in the country, except Delhi Zoo, are administered and controlled by the respective State Governments, Municipal Corporations, Trusts etc. But the main function of the Central Authority is to specify the minimum standards for housing, upkeep and veterinary care of animals kept in the zoo; evaluating and assessing the functioning of Zoos; recognizing or de-recognising the Zoos and providing of financial and technical assistance to the Zoos. The affidavit further states that the said incident of killing of 11 blackbucks by one adult female and two sub-adult panthers is possible and the action of respondent No.2 in burning of the dead blackbucks is also stated to be in consonance with the guidelines issued by the Central Zoo Authority. But, it is stated that the Central Zoo Authority while granting recognition to S.V. Zoological Park had laid down certain conditions stating that the State Government of Andhra Pradesh has to provide financial assistance and requisite staff for proper management of the Zoo. It is further stated that the State Government had asked for financial assistance, which was also directed to be provided.

In view of the affidavits in reply filed by the respondents, we do not find it a fit case for further probe in the matter since such incidents are stated to be usual where there is free movement of panthers. But, we close this petition with a direction that the 2nd respondent will scrupulously follow the conditions laid down by the Central Zoo Authority, Ministry of Environment and Forests by adhering to the minimum standards for housing, upkeep and veterinary care of the animals and will ensure that such incidents will not occur in future.

The writ petition is accordingly closed.

_____ DEVINDER GUPTA, CJ

Date: 29th November, 2004

_____

G. ROHINI, J

Pnb

To

1 The Chief Conservator of Forest,(Wildlife), Rep.by State of A.P.
Hyderabad.
2 Director /Curator, rep.by S.V.Zoological Park,
Tirupathi , Chittoor District.
3 Central "Zoo" Authority, Rep.by it's Chair Person,
New Delhi.
4 The Director General of Police,

C.B.C.I.D.Cell , Hyderabad.

5 Two C.Cs. to Government Pleader for Forests, High Court Buildings,

Hyderabad. (OUT)

6 Two C.D. copies